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Attorney for Defendant

PHILLIP HURBACE

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

**PHILLIP HURBACE, LARRY
ANTHONY MCDANIEL, and SYLVAIN
DELLA WHITMORE,**

Defendants.

Case No.: 2:17-CR-110-APG-DJA

(SECOND REQUEST)

STIPULATION AND ORDER TO CONTINUE SENTENCING

IT IS HEREBY STIPULATED AND AGREED, by and between **TONY LOPEZ, ESQ.**, Assistant United States Attorney, counsel for the United States of America, and **OSVALDO E. FUMO, ESQ.**, counsel for **PHILLIP HURBACE, DANIEL HILL, ESQ.**, counsel for **LARRY ANTHONY MCDANIEL**, and **LISA RASMUSSEN, ESQ.**, counsel for **SYLVAIN DELLA WHITMORE**, that the Sentencing Hearing currently scheduled for April 21, 2022, at 9:30, 10:30 a.m., and 1:30 p.m., be vacated and reset on a date and time convenient to the court, but not earlier than September 2022.

1. Counsels for defendants has spoken to their clients and they have no objection to the request of continuance.
2. Defendants are out on pretrial release.

- 1 3. Counsels has spoken to AUSA Tony Lopez and he does not oppose to the
2 continuation.
3
4 4. Counsels needs additional time to prepare for sentencing.
5
6 5. Counsel are requesting that sentencing be set out to September 2022.
7
8 6. Denial of this request for continuance could result in a miscarriage justice.
9
10 7. For all the above-stated reasons, the ends of justice would best be served by a
11 continuance of the Sentencing Hearing until a date and time convenient to the court.

12 This is the 2nd request for continuance filed herein.

13 **DATED** this 15th day of April 2022.

14 /S/ Osvaldo E. Fumo, Esq.
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19 Attorney for Defendant
20 **PHILLIP HURBACE**

21 /S/ Tony Lopez, Esq.
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23 Assistant United States Attorney
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27 /s/ Lisa Rasmussen, Esq.
28 **LISA RASMUSSEN, ESQ.**
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Attorney for Defendant
SYLVAIN DELLA WHITMRE

/s/ Daniel Hill, Esq.
DANIEL HILL, ESQ.
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LARRY ANTHONY MCDANIEL

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Attorney for Defendant

PHILLIP HURBACE

UNITED STATES DISTRICT COURT

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ANTHONY MCDANIEL, and SYLVAIN
DELLA WHITMORE,**

Defendants.

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(SECOND REQUEST)

FINDINGS OF FACT

1. Counsels for defendants has spoken to their clients and they have no objection to the request of continuance.
2. Defendants are out on pretrial release.
3. Counsels has spoken to AUSA Tony Lopez and he does not oppose to the continuance.
4. Counsels needs additional time to prepare for sentencing.
5. Counsel are requesting that sentencing be set out to September 2022.
6. Denial of this request for continuance could result in a miscarriage justice.
7. For all the above-stated reasons, the ends of justice would best be served by a

1 continuance of the Sentencing Hearing until a date and time convenient to the court.

2 This is the 2ND request for continuance filed herein.

3 **CONCLUSIONS OF LAW**

4 Denial of this request for continuance would deny the parties herein the opportunity
5 to effectively and thoroughly prepare for Sentencing Hearing.
6

7 Additionally, denial of this request for continuance could result in a miscarriage of
8 justice.
9

10 **ORDER**

11 **IT IS HEREBY ORDERED** that the sentencing hearings currently scheduled for April 21,
12 2022, are vacated, and continued.

13 Hurbace is continued to September 22, 2022, at 10:30 a.m.

14 McDaniel is continued to September 22, 2022, at 1:30 p.m.

15 Whitmore is continued to September 22, 2022, at 2:30 p.m.

16 In Courtroom 6C before Judge Andrew P. Gordon.
17

18
19 DATED this 19th day of April, 2022.

20 
21 _____
22 **DISTRICT COURT JUDGE**